

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

19-CR-696 (PAE)

-v-

ARI TEMAN,

Defendant.

ORDER

PAUL A. ENGELMAYER, District Judge:

The Court has reviewed the parties' competing submissions as to restitution (Dkt. Nos. 260-262); in the interest of having a durable restitution order in place, the Court will sign and docket today the Government's proposed restitution order (Dkt. No. 262-1), which provides, *inter alia*, that 10% of the defendant's gross income, beginning September 1, 2021, is to be paid towards restitution. In the event that restitution payments equivalent to the \$259,340.32 that the Court has held must be paid in restitution have been fully paid to the Clerk of Court of this District before September 1, 2021, the Court will entertain an application to revoke this Order.

The Court notes that defense counsel had explicitly promised that full restitution would be paid by the time of sentencing. The Court is disappointed by the defense's failure to keep this straightforward promise.

The Court further agrees with the Government that the defense's proposed approach – in which the Court would direct counsel for third-party payers on the defendant's behalf to remit escrowed funds to the Clerk of Court, subject to understandings that might vary by payer – is problematic, needlessly complex, and apt to result in conflict. Both the defendant and any payer on his behalf can have confidence that – as the restitution order provides – the Clerk of Court

will not release the funds entrusted to it for restitution without an order of this Court, and that the Court will not order the release of such funds unless and until Mr. Teman's appellate rights with respect to his conviction and sentence have been exhausted. The Court expects defense counsel to bring this Order to the attention of these payers forthwith and that such payers, to enable the defense's pledge as to restitution to be belatedly kept, will choose to behave honorably and promptly make such payments to the Clerk of Court.

SO ORDERED.



PAUL A. ENGELMAYER
United States District Judge

Dated: August 18, 2021
New York, New York